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Viewing cable 09BEIRUT109, LEBANON: UNIIIC COMMISSIONER ON THE FOUR GENERALS, REQUEST FOR ADDITIONAL SYRIA-LINKED INFORMATION

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09BEIRUT109**.

Reference ID	Created	Released	Classification	Origin
09BEIRUT109	2009-01-27 16:16	2011-08-30 01:44	SECRET//NOFORN	Embassy Beirut

Appears in these articles:

<http://www.al-akhbar.com/node/16545>
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TO RUEHC/SECSTATE WASHDC PRIORITY 4075
INFO RUEHEE/ARAB LEAGUE COLLECTIVE
RUCNMEM/EU MEMBER STATES COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 3390
RUEHNO/USMISSION USNATO 3597
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USUN FOR WOLFF/GERMAIN/SCHEDLBAUER
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SUBJECT: LEBANON: UNIIIC COMMISSIONER ON THE FOUR GENERALS, REQUEST FOR ADDITIONAL SYRIA-LINKED INFORMATION

REF: USUN NEW YORK 000044

Classified By: Ambassador Michele J. Sison for reasons 1.4
(b) and (d).

SUMMARY

1. (S/NF) UNIIIC Commissioner Daniel Bellemare explained to the Ambassador in a January 26 meeting the issues surrounding the release or transfer to The Hague of the four generals currently in Lebanese custody in connection with former PM Rafiq Hariri's assassination. According to Bellemare, the Special Tribunal for Lebanon (STL) has 60 days starting March 1 to request a transfer of the generals from Lebanese custody to the STL. Once they are transferred, Bellemare suspects he will face pressure by the STL to bring a case against the generals or release them. Replying "no comment" on whether he has enough evidence to bring a case, he nonetheless went on to say that if the judges were released in the Netherlands, he (and the Dutch) fear they could seek asylum from the Dutch government. If Bellemare does not request the transfer, the Lebanese could continue to detain the generals, in the face of mounting public pressure, or release them. Bellemare stressed the need for information from the U.S. to assist him in his final investigations in Syria under Chapter VII authority. Bellemare also raised internal UN management issues that continued to soak up his time. End summary.

WHEN TO RELEASE
FOUR DETAINED GENERALS

2. (S/NF) The Ambassador, accompanied by LegAtt and PolOff, met with UNIIIC Commissioner Daniel Bellemare in Monteverde on January 26. Bellemare explained that the Special Tribunal for Lebanon (STL) has 60 days starting March 1 to request the GOL to transfer the four generals, currently held in Lebanese custody in connection with the assassination of former PM Rafiq Hariri, to the STL in The Hague. Bellemare, carefully asserting that he had "no comment" on whether or not he has a case against the generals, added that there is no time frame from the date of request by which they must actually be transferred.

3. (S/NF) Bellemare said he suspected that Lebanese Public Prosecutor Saïd Mirza wants the generals transferred to the STL. Bellemare explained that, while it has been pointed out to him that no one can dictate to the STL how long the STL can detain the generals, implying that Bellemare could detain them indefinitely in The Hague, he disagreed with this

approach in part because he feared that he might face legal pressure (by the STL itself) to release them immediately if he did not have a case. Bellemare added that the generals could not be released on bail (per the Lebanese code of criminal procedure, Section 108), but could be released without condition. In such a scenario, the GOL could put them under surveillance, he noted.

14. (S/NF) Bellemare noted that one concern held by the Dutch government is that the generals would seek asylum if released by the STL. Another worry is that one of the four, former Surete Generale DG General Jamil Sayyad, would run in the parliamentary elections, an idea evidently supported by opposition leader Suleiman Franjeh and Hizballah.

15. (S/NF) Bellemare further expressed concern that transferring the generals could be a dangerous operation, noting that Hizballah does not want the generals to leave Lebanon. A transfer would need to be coordinated with Lebanese authorities, making the operation even more vulnerable because of possible Hizballah penetration of those authorities, in his view. If the GOL decides to release the four, it should put as much distance between the generals' release and the parliamentary elections on June 7, Bellemare recommended. (Note: We agree. End note.)

"IF THERE IS ASSISTANCE TO PROVIDE,
PROVIDE IT NOW"

16. (S/NF) Noting that he would return to Syria in February for the last time under Chapter VII authority, Bellemare stressed the urgency of receiving information from the U.S. to use during interrogations. "If there is assistance to provide," he pleaded, "Please provide it now." Specifically, he requested information on "human vulnerabilities, suggestions on questions to ask, people who do not fit into our charts, partial answers we can use to test the subjects." Bellemare explained that the level of interrogation his consultants would employ during this trip to Syria would be "very different from previous visits, but I need the ammunition to conduct these interrogations."

17. (S/NF) Bellemare complained that the Syrians treat UNIIIC as "school kids in short pants." He explained, "They provide us with 40,000 pages in Arabic. After we translate them and find nothing of interest, they feign surprise and hand us another 40,000 pages in Arabic." He assessed that the Syrians are nervous because they do not know what information UNIIIC has collected to date.

CONCERNED ABOUT SAFETY OF STL JUDGES

18. (S/NF) Bellemare said that the four of the eleven STL judges who are Lebanese have chosen to move back and forth between The Hague and Lebanon. Acknowledging the security concern, Bellemare said he suspected the judges conditioned their acceptance to the position on retaining freedom of movement. (Comment: One of our Embassy LES members suggested that he knew the identity of one of the judges because the Internal Security Forces had recently beefed up security outside of the judge's residence. End comment.)

ISSUE OF APPOINTING A DEPUTY PROSECUTOR

19. (C) According to Bellemare, appointing a Lebanese Deputy Prosecutor has become problematic. He reported that during January 2008, he interviewed candidates and the UN Office of Legal Affairs (OLA) will submit his confidential recommendation to the cabinet, which will appoint the individual. He expected that the cabinet would discuss the appointment in time for the March 1 deadline (reftel). However, he relayed that he heard majority leader Saad Hariri was displeased with his recommendation, believing the candidate is "too independent", and may request his Future Movement ministers to block the appointment.

110. (C) Bellemare noted that Public Prosecutor Saïd Mirza, close to Saad, supported Bellemare's recommendation. Acknowledging that he could start work without a deputy, making an appointment without delay is nonetheless important for symbolic purposes because the deputy position is a Lebanese national.

111. (C) The power of the veto also worried Bellemare as he considered the potential composition of the next cabinet. Bellemare wondered whether a cabinet dominated by what is currently the opposition would attempt to stop GOL funding to the STL, despite its obligations under an international agreement.

STILL PLAGUED BY MANAGEMENT ISSUES

12. (C) Bellemare expressed his frustration that the STL Management Committee ruled that the STL would not participate in the Interagency Mobility Accord (reftel), which is designed to facilitate mobility between organizations participating in the UN common system. Declaring that he would seek a revision to this decision, Bellemare argued it was more expensive to recruit new people than to transfer them from within the UN system. He also stressed that he needed the "best individuals possible" and did not want to discourage qualified applicants because of a tedious transfer process that could cost them some of their benefits.

A SMALL UNIIIC PRESENCE TO REMAIN

13. (S/NF) Mentioning that he would travel to The Hague in February to find an apartment and attend the next interagency working group, Bellemare said that a small field office of UNIIIC would remain in Beirut. He said the remaining 10 or 20 individuals would likely change the location of their offices, but that was not yet decided.

SISON